

Appl. No. 10/600,566
In re HUSSAINI, et al.
Reply to Office Action of Dec. 19, 2006

REMARKS/ARGUMENTS

The Examiner is thanked for the Official Action dated December 19, 2006. This amendment and request for reconsideration is intended to be fully responsive thereto.

Claims 13 and 14 were objected to because of the minor informalities. Claims 13 and 14 have been amended to overcome the examiner's objection. No new matter has been added.

Claims 3-15 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, claims 3-15 were rejected as being incomplete for omitting essential elements, such omission amounting to a gap between the elements.

The examiner alleges that the omitted elements, such as the mounting rib disposed adjacent to a front edge of the base member and mounting members disposed adjacent to the side edges of the base member, is an essential element for attaching the video display unit to an electronic video processing device. Similarly, the examiner alleges that side mounting members or the like would also be required in order to prevent the video display unit from sliding sideways off the processing device even while the locking tab and front mounting tab are engaged.

First, claim 3 is disclosed solely to a portable video display unit, and not to an electronic video processing device.

Moreover, claim 3 recites that a base member is adapted for removably attaching the video display unit to an electronic video processing device. Clearly, one of ordinary skill in the art would readily recognize that there are a number of ways to removably attaching the video display unit to the electronic video processing device, including but not limited to the arrangement disclosed in the specification.

As noted in MPEP 2172.01, “such essential matter may include missing elements, steps or necessary structural cooperative relationships of elements described by the applicant(s) as necessary to practice the invention” (emphasis added). It is known that “Features which are merely preferred are not to be considered critical” (see MPEP 2164.08(c)). The specification clearly discloses that a video game system manufactured by Microsoft known as the X-Box is merely an example, and that “it is to be understood that while the present invention is particularly described and suited for use with the X-Box video game consoles, the present invention is not so limited to this particular device” (page 6, lines 11-14). In other words, the particular mounting rib disposed adjacent to the front edge of the base member and mounting members disposed adjacent to the side edges of the base member, are not essential elements for attaching the video display unit to the electronic video processing device, as alleged by the examiner, but merely elements of an exemplary embodiment of the invention provided for “removably attaching the video display unit to an

Appl. No. 10/600,566
In re HUSSAINI, et al.
Reply to Office Action of Dec. 19, 2006

electronic video processing device”, as recited in claim 3.

Furthermore, as further noted in MPEP 2164.08(c), “an enablement rejection based on the grounds that a disclosed critical limitation is missing from a claim should be made only when the language of the specification makes it clear that the limitation is critical for the invention to function as intended. Broad language in the disclosure, including the abstract, omitting an allegedly critical feature, tends to rebut the argument of criticality.” Clearly, the abstract of the present application is absent of the mounting rib disposed adjacent to a front edge of the base member and mounting members disposed adjacent to the side edges of the base member, alleged by the examiner to be essential. Instead, the abstract recites “a base member adapted for removably attaching the video display unit to the electronic video processing device”, and “the base member includes a locking device to securely affix the video display to the game console and permit portability while attached”, as recited in claim 3. Therefore, claim 3 recites all the essential elements essential to the invention and necessary to practice the invention.

However, in order to expedite the prosecution of the present application, claim 3 has been amended to recite that the base member also includes a mounting member positively engaging a front side of the electronic video processing device, and that the projection of the locking tab is provided for engaging a recess formed in a rear side of the electronic video processing device. No new matter has been added. Support for this amendment can be found on page 7, lines 17-20 of the present application. The specification has been accordingly

Appl. No. 10/600,566
In re HUSSAINI, et al.
Reply to Office Action of Dec. 19, 2006

amended. No new matter has been added.

Claims 3-11, 13-15 were rejected under 35 U.S.C. 101. The examiner alleges that the disclosed invention is inoperative and therefore lacks utility. The examiner further alleges that the locking tabs and other mechanisms positively claimed do not provide a display screen that operatively attaches the display to a video processing device. As explained above, claim 3 recites that a base member is adapted for removably attaching the video display unit to an electronic video processing device. In other words, the invention as claimed in claims 3-11 and 13-15 provides means for removably attaching the video display unit to the video-processing device and a locking attachment device provided for securing the video display unit to the electronic video processing device. Furthermore, as noted above, claim 3 has been amended to recite that the base member also includes a mounting member positively engaging a front side of the electronic video processing device, thus overcoming the examiner's rejection.

The examiner further alleges that the invention as claimed in claims 3-11 and 13-15 provide no means for receiving video signals from a video-processing device.

It would be obvious to those skilled in the art that the video display member is attached to the video-processing device for the sole purpose to display the signals generated by the video-processing device in the form of the video images and audio sounds. Evidently, in order to perform this task, appropriate means to electrically connect the video display member to the video-processing device should be provided for receiving video and audio

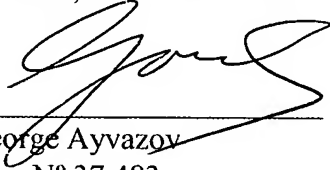
Appl. No. 10/600,566
In re HUSSAINI, et al.
Reply to Office Action of Dec. 19, 2006

signals from the video-processing device. MPEP 2164.01 specifically emphasizes that “A patent need not teach, and preferably omits, what is well known in the art” (emphasis added). Applicant stresses that the means for receiving video signals from a video-processing device are well known in the art, and, therefore, need not be disclosed in detail. Thus, one skilled in the art would readily realize how to provide the video display member with the video and audio signals from a video-processing device. Therefore, invention as claimed is clearly operative and provides the utility. Accordingly, the rejection of 3-11, 13-15 under 35 U.S.C. 101 is improper.

It is respectfully submitted that claims 3-11 and 13-15 define the invention over the prior art of record and are in condition for allowance, and notice to that effect is earnestly solicited. Should the Examiner believe further discussion regarding the above claim language would expedite prosecution they are invited to contact the undersigned at the number listed below.

Respectfully submitted:
Berenato, White & Stavish

By: _____


George Ayvazov
Reg. N° 37,483

6550 Rock Spring Drive, Suite 240
Bethesda, Maryland 20817
Tel. (301) 896-0600
Fax (301) 896-0607